Appl. No. 09/870,302
Amdt. dated April 7, 2005
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2153

PATENT

## REMARKS

Applicants respectively request the Examiner consider the following remarks. Prior to this Response, Claims 1 - 20 were pending in this application. No claims have been amended, added, or canceled. Therefore, claims 1-20 remain presented for examination.

### *35 U.S.C. § 102(e) Rejection, Gurijala*

The Office Action rejected claims 1, 5-8 and 15-20 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,601,090 issued to Gurijala et al. (hereinafter "Gurijala"). Applicants respectfully maintain that Gurijala fails to teach or suggest all of the recitations of these claims.

As understood by the Applicants, the Office Action has made the following equations between the recitations of claim 1 and Gurijala:

| Claim 1 | Gurijala |
|---|---|
| content store | web cache server |
| origin server | web server |
| content tracker | cache name server |
| origin server database | cache name server database |
| catalog | cache name server database |

Assuming, *arguendo*, the equations are proper, Applicants believe that Gurijala does not disclose a content tracker configured to receive identifiers from a plurality of origin servers and an origin server database comprising a list of origin servers identified to the content tracker by the respective origin server, as recited in claim 1. Following the equations between claim 1 and Gurijala outlined above, Gurijala would have to disclose that the cache name server was configured to receive object identifiers from the web servers coupled with the Internet. Gurijala also would have to disclose that the cache name server database stored web servers identified to the content tracker by the web server.

However, Gurijala merely discloses that the cache name server database stores object identifiers sent to the cache name server by the <u>web cache servers</u> storing the content, not

the web servers. Id., at col. 5, ll. 42-45. Additionally, the web servers do not identify themselves to the cache name server. Thus, as Gurijala fails to disclose these recitations of claim 1, Applicants respectfully submit claim 1 is allowable.

In response to similar remarks presented by the Applicants, the Office Action stated that the web cache server receives information on the origin server and forwards it to the CNS and thus, the origin server information has been directly provided to the content exchange system. However, claim 1 recites that the origin servers in the database were identified to the content tracker (equated to CNS) by the origin server, not an intermediary component. Additionally, the recitations of claim 1 recite that the content tracker is configured to receive identifiers from the origin servers, not cache servers. Therefore, Applicants still believe that claim 1 is allowable.

Claims 5-8 depend from claim 1 and are thus allowable for at least the same reasons discussed above. Additionally, claim 5 recites the content store has a first section which less frequently requested content objects are purged in favor of more frequently requested content objects and a second section where content objects remain stored for a period of time regardless of request frequency. Gurijala discloses that web cache servers may frequently update the cached copy for objects that may frequently change over time. Id., col. 6, ll. 6-15. Thus, these objects are periodically updated to prevent stale cache copies. But Applicants understanding of Gurijala is that all of the objects are purged in favor of more frequently requested objects. Applicants cannot find any mention that content objects remain stored for a period of time regardless of how often the objects are requested.

Claim 15 recites receiving information about the origin server from the origin server. For reasons similar to those discussed above with claim 1, Applicants believe that claim 15, and its dependent claims 16-19 are also allowable. Additionally, claim 19 recites that contacting comprises determining if any other content exchanges have at least a portion of the content object. The portion is requested if it is found on any other content exchanges and requested from the origin server if it is not on any of the content exchanges. Unlike Gurijala, the web cache server (equated to the content exchange) does not determine whether any other

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content exchanges have the content object when a content object request at the content exchange results in a cache miss (as recited in independent claim 15). Thus, Applicants respectfully submit claim 19 is allowable for the additional reasons.

Claim 20 recites a content store having a first section and a second section. The first section comprises a cache where less frequently requested content objects are purged in favor of more frequently requested content objects. The second section comprises a file system having content objects which remain stored for a period of time regardless of request frequency. As stated above with reference to claim 5, Applicants respectfully submit that Gurijala does not teach or suggest the second section in which objects remain stored regardless of request frequency.

### *35 U.S.C. 103(a) Rejection, Gurijala, Chase*

The Office Action rejected claims 2-4 and 9-14 under 35 U.S.C. 103(a) as being unpatentable over Gurijala et al, in view of EP 0877326A2 issued to Chase (hereinafter "Chase"). Claims 2-4 depend on claim 1. Similar to claim 1, claim 9 recites an origin server database comprising a list of origin servers identified to the content exchange by the respective origin server. Claims 10-14 depend on claim 9. As Chase also fails to teach or suggest the recitations of claim 1 discussed above, these claims are believed to be allowable for at least the same reasons.

Additionally, claim 3 recites the list of origin servers included in the database contain origin servers that have no content objects stored in the content exchange. Claim 9 also includes similar recitations. Neither Gurijala nor Chase disclose these recitations. In particular, Gurijala's database is used as a directory of objects cached by a cache server. Thus, Applicants also believe there is no motivation for either reference to store origin servers that do not have content objects stored in the content exchange. It appears that the Office Action is relying on Official Notice to disclose the recitations of claim 3 and to provide the motivation to combine. If so, Applicants respectfully traverse the Official Notice and hereby request an express showing of documentary proof of these propositions as set forth in MPEP 2144.03.

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The Office Action has rejected claims 2-4 and 9-14 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,601,090 to Gurijala et al. (hereinafter "Gurijala") in view of the cited portions of European Patent No. 0877326A2 to Chase (hereinafter "Chase"). Chase also fails to teach or suggest the recitations of claim 1 discussed above. Accordingly, claims 2-4, which depend on claim 1, are believed to be allowable for at least the same reasons. Claim 9 and its dependent claims 10-14 are also believed to be allowable for similar reasons.

Claim 9, as amended recites the first content exchange comprises an origin server database comprising a list of origin servers identified to the content tracker by the respective origin server. As previously discussed, Gurijala fails to teach or suggest that origin servers identify themselves to the content exchange. Chase also fails to teach or suggest these recitations. Applicants therefore submit that claim 9 is allowable. As claims 10-14 depend from claim 9, Applicants also respectfully submit that these claims are allowable for at least the same reasons

## INVITATION FOR A TELEPHONE INTERVIEW

If there remains any issues of allowance with this application, Applicants respectfully request that the Examiner please telephone the undersigned at 303-571-4000 for a telephone interview.

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## CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Respectfully submitted,

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